

CHAPTER OVERVIEW

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8.1 CA/N Reports Interviews With Students At School Setting When Parents/Guardians Named As Alleged Perpetrator

Division staff frequently find it necessary to interview students during the school day when an emergency situation may exist or when interviewing in the home setting would be inappropriate. Investigation workers should contact the school principal or designee prior to going to the school, when possible, to arrange the interview. Arrangements for interviews will be made to keep the disruption to a student's schedule to a minimum.

The following points should be resolved with the principal/designee prior to the interview:

1. Who will conduct the interview. The interviewer will be the Children's Division (CD) Children's Service Worker and/or the law enforcement officer (when involved), although the special needs of the child and his/her relationship with the school personnel may be taken into consideration. When law enforcement personnel are involved, they often take the lead in the interview.
2. Who may be present in the interview. The number should be kept to an absolute minimum. A teacher, counselor, principal, nurse, etc. who has a relationship with the child may be present, if deemed necessary by the investigator and school administrator. School personnel participants should be limited to one person, and preferably someone with whom the child feels comfortable. The child's ability to decide whom to have present should also be considered. Anyone present during the interview should be aware they could be served with a subpoena to testify in court. If there are concerns voiced by the school administrator about the process and format of the interviews, the school

administrator has the ability to ask that the interview not take place on school grounds.

3. Confidentiality mandates should be discussed. The confidentiality statutes concerning child abuse investigations are contained in Section 210.150 RSMo. The statute states that disclosure of information concerning the abuse and neglect is made only to persons or agencies that have a right to such information.
4. Where and when the interview will be conducted. The interview must be in a private setting and, cause minimal disruption to the child's schedule. The child's right to privacy must be respected.
5. Should parents initially be notified by school personnel or CD that an interview occurred at the school, and when should that contact occur? Missouri State Statute does not require the Division or law enforcement to notify the parent of the child prior to an interview of the child. When law enforcement is involved, the investigating officer takes the lead in deciding when and how to make contact with the family, especially if family members are the alleged perpetrators. If the CD Children's Service Worker has not contacted the parents prior to interviewing the child, the worker is expected to notify the parents, as soon as possible, that the child was interviewed and shall inform the school of the outcome and the parents' response.

8.2 Educational Neglect Guidelines for Reporting by Schools

All parents or guardians having custody or control of a child between the ages of seven and sixteen, must ensure that the child is enrolled in and regularly attends some public, private, parochial school, or home school meeting the statutory requirements for home schooling, or a combination of such school for the full term of the school.

Children between five and seven years of age are not required to be enrolled in school. If they are enrolled in a public school, however, their parents or guardians must ensure that they attend regularly.

Related Subject: Missouri Department of Elementary and Secondary Education – Compulsory Attendance and Part-Time Public School Enrollment:
<http://dese.mo.gov/schoollaw/freqaskques/CompAttend.htm#1>

The following guidelines are for schools in determining when they should make educational neglect reports:

1. Provide identifying information: Child's name, date of birth, parent name, address, phone number.
2. Provide current, accurate attendance dates.

3. Explain the adverse impact of non-attendance on the progress of the particular child. (Lack of regular attendance is not, in and of itself, sufficient reason for CD to act. CD is only empowered by law to address minimal standards of family care).
4. Document the efforts of the school to work with the family.
5. If the child is older, address why this is not truancy. CD is not empowered to enforce truancy laws. Truancy situations should be referred to the Juvenile Office.
6. Mention other neglect and abuse concerns for the child, if any.
7. Don't wait until the end of the school year, if at all possible as it is difficult for CD to address school attendance problems with the family when school is out.

8.3 Educational Neglect Reports Learned or Found to be Home Schooling

Home Schooling is when a parent(s) or other responsible caretaker(s) is educating their children at home. Many times CA/N reports accepted as educational neglect reports come in with indications that the child may be being educated at home. In such cases the worker will need to rule out educational neglect by verifying that a child is being "home schooled".

Related Subject: Section 7, Chapter 32 Educational Neglect
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Related Subject: Missouri Department of Elementary and Secondary Education – Home Schooling Information: http://dese.mo.gov/schoollaw/HomeSch/homeschool.htm
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1. Upon receiving a CA/N report where the only allegations are Education Neglect with indications that the child is being educated in the home, the worker will:
 - A. Initiate investigation according to Investigation or Family Assessment Response.
 - B. If educational neglect is the only allegation the worker is required to see the victims within 72 hours.

Related Subject: Section 2, Chapter 4.1 Investigation Response <u>or</u> Section 2, Chapter 5 Family Assessment Response
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C. Upon being advised that the parent(s) or other responsible caretaker(s) is providing education in the home and *there are no prior substantiated educational neglect reports*, the investigation/family assessment shall:

- 1) Cease further investigation into the matter.

- 2) Notify the superintendent or designee of school district of child's residence and inform parent(s) of this action.
- 3) Forward written report to the school within (3) working days of being advised by parent(s). (see *Guidelines for Letter to School District on Reports Concluded as Home Schooling* below)
- 4) Conclude the report using CA/N-1 Conclusion Code "I" for Home Schooling. The category of CA/N should be coded "7" for None – Home Schooling. Worker's specific findings and severity should be left blank.

8.3.1 Guidelines for Letter to School District on Reports Concluded as Home Schooling:

The following information should be sent to the superintendent of the school district where the child would attend:

- Name and address of the parent.
- Names and ages of the children for whom home schooling is reported.
- Date of CA/N report.
- Date and summary of contact with family.
- A statement to the effect that this report is being made pursuant to the requirements of Chapter 210 RSMo.

- D. If advised that the parent(s) or other responsible caretaker(s) is providing education in the home, *but there is prior substantiated educational neglect.*
- 1) Refer the family to the juvenile office.
 - 2) If the juvenile office opts to pursue the case in order to rule out educational neglect, the *worker will assist the juvenile office and conduct the report as an educational neglect investigation/family assessment until home schooling is verified.*
 - 3) If home schooling is verified by the juvenile office:
 - a) Cease further investigation into the matter.
 - b) Notify the superintendent or designee of school district of child's residence and inform parent(s) of this action.
 - c) Forward written report to the school within (3) working days of being advised by parent(s). (see *Guidelines for Letter to School District on Reports Concluded as Home Schooling*)

- d) Conclude the report using CA/N-1 Conclusion Code "I" for Home Schooling. The category of CA/N should be coded "7" for None – Home Schooling. Worker's specific findings and severity should be left blank.

8.4 Home Schooling Documentation for Foster Children:

Reports of Educational Neglect where it is indicated a child in Division custody is being home schooled, should be investigated by the CSW on the open case. The CSW should be involved in all decisions to home school Children in Division custody and appropriate documentation should be in the case file. If it is not in the case file at the time of the report, it should be by the time the case is concluded.

1. Home School Documentation Required for Children in Division custody:

- A. The resource family has filed a signed, written declaration of enrollment with the Recorder of Deeds stating their intent for the foster child to attend a home school.
- B. This verification must be documented in the foster child's file.
- C. The Recorder of Deeds may charge a service cost of not more than one dollar for each notice filed.
- D. The worker should also notify the chief school officer in the public school district where the child legally resides.
- E. The home school educator is to provide documentation of the child's progress on a quarterly basis.
- F. This documentation will ensure that a monitoring program is in place.

Related Subject: Missouri Department of Elementary and Secondary Education – Home Schooling Information: http://dese.mo.gov/schoollaw/HomeSch/homeschool.htm
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8.5 Required Immunizations

When a student cannot attend school because they have not received required immunizations, and the school has made efforts to assist and encourage the family to obtain the immunizations, an educational neglect report may be accepted by CD. Exceptions to a child not receiving immunizations:

- 1. One parent or guardian objects in writing to the school administrator because of religious beliefs or medical contraindications.

2. In the case of medical contraindications a statement from a duly licensed physician must be provided to the school administrator.

8.6 Providing Copy of Educational Neglect Reports to Schools

In order to assist school districts in making educational neglect referrals to the prosecuting/circuit attorney CD staff will:

1. Provide a copy of completed educational neglect investigation reports to school districts when there is a "preponderance of evidence" finding.
2. The reporter's name and other identifying information will be blanked out.
3. When other allegations are contained in the report, a summary, which contains information only on the educational neglect, shall be sent to the school district (Section 210.167 RSMo).

8.7 Sharing Informing Information With School Personnel As Reporter

When school personnel make a CA/N report, they are entitled, upon request to the local CD office or the Children's Service Worker completing the investigation, to information on the general disposition of the report (Section 210.145.14 RSMo). This will be provided verbally, or in writing, and will include:

1. The date the investigation was completed;
2. The conclusion reached;
3. Whether a referral for Family-Centered Services (FCS) was made; and
4. The fact that a referral was made to the juvenile court, if applicable.

The Children's Service Worker shall provide the information to the reporter within 45 days of the request, or as soon as possible after the investigation is completed. The school personnel who made the report may share the information only within the school setting on a need-to-know basis. If the school principal is the eventual reporter, they should share the feedback they receive with the teacher, counselor, nurse, etc. who originated the report.

NOTE: Some county offices have developed a local form to provide feedback to mandated reporters on the outcome of the investigation.
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8.8 Sharing Information with School Personnel as Members of Multidisciplinary Team

If school personnel are part of the multidisciplinary team involved in the investigation, evaluation, or treatment of a CA/N case, CD is permitted to share appropriate information that would be helpful to the school in their work with the child, i.e., information regarding the investigative outcome, the treatment plan, and the progress of the family. If school personnel did not make the hotline report, but are aware an investigation is being completed, CD can share appropriate information with the personnel as a member of the multidisciplinary team.

8.9 Public School District Liaison And CD/School Collaboration

New statute language requires the superintendent of each school district designate a public school district liaison, who will be considered a member of the multidisciplinary service team. When a report is received by the Division, that involves a child enrolled in school, CD staff will initiate contact with the liaison appointed for the district. Staff will continue to communicate with the school liaison to gain and share information throughout the investigative and/or assessment process. **Staff must also provide the school liaison with the status of the report upon completion.**

The worker is required to make contact with the reporter upon receipt of all CA/N reports. **When the mandated reporter is school personnel, the worker is responsible for making contact with the reporter, as well as the school district liaison.** Missouri law, section 210.145 entitles individuals required to report suspected abuse and/or neglect, to information regarding the CA/N report.

Related Subject: Section 5, Chapter 2 Record Access

It is important to assess the level of family functioning and services needed. CD is required to provide preventive and protective services, based upon the family's needs, **during the investigation/assessment process.** Multidisciplinary service teams should be utilized to ensure appropriate quality services are provided in a timely manner.

Multidisciplinary service teams are made up of individuals from other public and private agencies, including but not limited to, local law enforcement, the juvenile office, juvenile court. RSMo 210.145 now specifically includes the school liaison as a member of the multidisciplinary team.

School personnel are valuable resources that can provide important and helpful information to assist our agency as we work with families, and should be utilized as collateral contacts. Communication between staff and the school must be ongoing. School personnel have valuable information regarding daily activities and behaviors of the children CD serve, as well as the household members where the child resides. Continued efforts to build positive relationships between CD and school staff will improve

communication and heighten awareness of needs, resulting in enhanced services to Missouri's families and children.

RSMo 210.145 requires the public school district liaison to develop protocol, in conjunction with the Chief Investigator, to ensure information regarding a report is shared with appropriate school personnel. County offices should contact each school district or private school within the county to develop protocols to ensure all mandates are met. Current confidentiality laws should be reviewed and discussed to assist in identifying what information will be shared to assist in providing timely, quality services to the child and family

8.10 Schools Sharing Information with CD During Investigation

Schools may share all appropriate information with CD during a CA/N investigation, i.e., information regarding the child that would assist CD in making a determination of whether abuse occurred. This can be done because CD was vested with the authority to investigate child abuse in 1969 (Sections 210.105 and 210.107 RSMo), prior to the passage of the federal Family Educational Rights and Privacy Act of 1974 (FERPA)

Related Subject: Missouri Department of Elementary and Secondary Education - Educational Rights and Privacy Act of 1974 (FERPA): http://dese.mo.gov/schoollaw/fregaskques/FERPA.htm

MEMORANDA HISTORY: [CD04-79](#), [CD05-31](#)